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33 *National Payment Systems and*
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35 *d/b/a ONE CONNECT PROCESSING*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LOUIS FLOYD and TERRY
FABRICANT, individually and on behalf
of all others similarly situated,

Plaintiffs,

V.

FIRST DATA MERCHANT SERVICES
LLC,

SAM'S CLUB MERCHANT SERVICES,

NATIONAL PAYMENT SYSTEMS
LLC, and

NATIONAL PAYMENT SYSTEMS OR,
LLC d/b/a/ ONE CONNECT
PROCESSING,

Defendants.

Case No. 5:20-cv-02162-EJD

PARTIES' STIPULATED REQUEST TO EXTEND CASE DEADLINES

Complaint Filed: March 30, 2020

Pursuant to Local Civil Rules 6-3 and 7-12, Plaintiffs Louis Floyd and Terry Fabricant, “Plaintiffs”) and defendants First Data Merchant Services LLC and Sam’s Club Merchant Services (jointly, “First Data”), and defendants National Payment Systems LLC (“NPS”) and National Payment Systems OR, LLC (“NPS OR,” jointly, “National Payment”), through their attorneys, hereby seek Court approval of their stipulation to extend the following case deadlines:

Event	Current Deadline	New Deadline
Joint Trial Setting Conference Statement (see Section III(C)(2) of Standing Order for Civil Cases)	July 26, 2021	July 26, 2021
Trial Setting Conference (see Section III(C)(1) of Standing Order for Civil Cases)	11:00 a.m. on August 5, 2021	11:00 a.m. on August 5, 2021
Fact Discovery Cutoff	September 1, 2021	September 1, 2021
Designation of Opening Experts with Reports	January 21, 2021	May 28, 2021
Designation of Rebuttal Experts with Reports	February 21, 2021	June 25, 2021
Expert Discovery Cutoff	April 19, 2021	August 20, 2021
Deadline(s) for Filing Discovery Motions	See Civil Local Rule 37-3	See Civil Local Rule 37-3
Deadline for Filing Dispositive Motions ¹ (see Section IV and V of Standing Order for Civil Cases)	September 15, 2021	September 15, 2021
Hearing on Anticipated Dispositive Motion(s)	9:00 a.m. on October 21, 2021	9:00 a.m. on October 21, 2021
The parties shall comply with the Standing Order for Civil Cases, a copy of which is available from the Clerk of the Court, with regard to the timing and content of the Joint Trial Setting Conference Statement and all other pretrial submissions.		

24 The Parties declare the following in support of the extension:

25 1. WHEREAS on June 27, 2020, the Parties filed a Joint Case Management Statement
26 and [Proposed] Order setting forth proposed case deadlines. (See Dkt. No. 37.)
27

1 2. WHEREAS in a Scheduling Order dated August 12, 2020, the Court adopted the
2 scheduling order proposed in Dkt. No. 37. (*See* Dkt. No. 38.)

3 3. WHEREAS the Parties have engaged in intensive written discovery and identified
4 categories of calling records and lead information which have been produced.

5 4. WHEREAS on January 12, 2021, the National Payment Defendants filed a notice
6 of Withdrawal and Substitution of New Counsel, Dkt. 50, which was approved by the Court the
7 same day.

8 5. WHEREAS on January 14, 2021, counsel for Parties conferred extensively
9 regarding additional calling records and lead information which Plaintiffs believe will enable them
10 to identify members of the putative class and assess the number of alleged violations of the TCPA
11 and conferred regarding production of documents. The Parties agreed to confer with their clients
12 regarding discovery issues, and scheduled a follow up meet and confer conference on January 28,
13 2021.

14 6. WHEREAS the pending deadlines do not allow the parties sufficient time to
15 complete the meet and confer process on July 28, 2021 and to provide expert witnesses any
16 additional data that may be produced for analysis.

17 7. WHEREAS the Parties now propose to modify the schedule to extend discovery
18 and all remaining deadlines for the purpose of allowing time for the parties to complete discovery,
19 and confer as to whether to schedule a mediation once sufficient discovery is produced to allow
20 the Parties to know the scope of the alleged TCPA violations at issue.

21 8. NOW, THEREFORE, THE PARTIES HEREBY JOINTLY REQUEST, through
22 their undersigned counsel of record, that the case deadlines be modified as set forth herein.

23 RESPECTFULLY SUBMITTED AND DATED this 20th day of January 2021.

24 SO STIPULATED BY:

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1 By: /s/ Edward A. Broderick

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Date: January 26, 2021